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Attorneys for Defendants PITE DUNCAN, LLP and CAL-WESTERN RECONVEYANCE
CORP.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DOUGLAS E. HALL AND KENNETH D.
HALL,

Case No.:3:10-CV-1286-BR

Plaintiffs,

DEFENDANTS PITE DUNCAN, LLP'S
AND CAL-WESTERN RECONVEYANCE
CORP'S MOTION TO DISMISS (FRCP
12(b)(5))

v.

NATIONAL CITY MORTGAGE CO., dba
COMMONWEALTH UNITED MORTGAGE
CO.; CAL-WESTERN RECONVEYANCE
CORPORATION, as Trustee, a subsidiary of
Prommis Solutions, LLC; and PITE
DUNCAN, LLP,

Defendants.

LR 7-1 CERTIFICATION

Counsel for Defendants Pite Duncan, LLP and Cal-Western Reconveyance Corporation
("CWR") received information on February 16, 2011, that Plaintiffs seek a default judgment against

(“CWR”) received information on February 16, 2011, that Plaintiffs seek a default judgment against them under FRCP 55(a) and based on Plaintiffs’ Affidavit of Service stating that Pite Duncan and Cal-Western were served with the Summons but failed to plead or otherwise defend this action. Neither Pite Duncan nor Cal-Western were properly served, and they bring this motion to dismiss for insufficient service of process to challenge Plaintiffs’ improper service of Summons and their request for a default judgment.

In an attempt to resolve the dispute, Pite Duncan’s counsel made a good faith effort to contact Plaintiffs by phone on February 16, 2011 at 4:30 PM, but was unable to reach either Plaintiff. Due to the nature of Plaintiffs’ motion to default, and because counsel has been unable to contact plaintiff, Pite Duncan and Cal-Western are filing this motion to dismiss and motion in opposition to Plaintiffs’ default motion.

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MOTION

Pursuant to FRCP 12(b)(5), defendants Pite Duncan, LLP, and CWR, by and through its attorneys of record, moves the Court for an Order dismissing plaintiff's claims against it.

This Motion is based upon the accompanying Memorandum in Support and the complete court file.

Dated: PITE DUNCAN, LLP

/s/ David J. Boulanger

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